

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

URSULA COLLIER

PLAINTIFF

V.

CASE NO. 1:20-cv-00063-TBM-JCG

HEAD MERCANTILE CO. INC.

DEFENDANT

RESPONSE IN OPPOSITION TO DEFENDANT’S MOTION FOR SANCTIONS

COMES NOW Thomas J. Bellinder, Esq. and Thomas J. Bellinder, P.A. in this cause, pursuant to the Federal Rules of Civil Procedure and files this Response in Opposition to Defendant Head Mercantile Co. Inc.’s (hereafter “Defendant”) Motion for Sanctions, and as grounds thereto would respectfully show unto the Court the following, to wit:

1. This matter involves an alleged violation of the Fair Debt Collections Practices Act.
2. Undersigned counsel has not been able to contact the Plaintiff in this matter, despite diligent and good faith attempts. Without constant and consistent contact with the Plaintiff, undersigned is unable to advise her as to the merits of her claim, settlement posture and other critical case matters. As such, the representation Thomas J. Bellinder, Esq., and Thomas J. Bellinder, P.A. as counsel of record for Ursula Collier in this cause has been terminated.
3. On or about July 1, 2021, Defendant filed a Motion seeking to dismiss Plaintiff’s complaint and for sanctions against the undersigned.
4. Undersigned is unable to speak for the actions taken by other individuals. Attorney for the Defendant has couched the undersigned’s inability to contact the Plaintiff and subsequent withdrawal as some sort of nefarious plot, when in fact it is as simple as an inability to contact the Plaintiff.
5. The instant motion is without merit. Undersigned’s motion to withdraw was filed in good faith and not for the purpose of delay or harassment.
6. Defendant fails to meet the burden of proof necessary for the entry of sanctions.

7. Undersigned requests dismissal of the motion, in its entirety.
8. Undersigned requests a hearing on this matter prior to the entry of any adverse order being entered.
9. Undersigned affirmatively asserts a reservation of rights as to all defenses, legal and factual, to the allegations contained in the Defendant's motion.
10. For the foregoing reasons, undersigned respectfully requests this Court to deny Defendant's Motion.
11. Undersigned requests the Court to waive the requirement that this Motion be accompanied by a separate memorandum of authority on the grounds that the relevant authority is cited within the motion.

WHEREFORE, PREMISES CONSIDERED, Thomas J. Bellinder, Esq. and Thomas J. Bellinder, P.A., the Attorneys of Record for Ursula Collier, respectfully request this court deny Defendant's Motion, and award all other relief as this Court deems just. And if the Plaintiff has prayed for wrong, improper or insufficient relief, then it prays for such other and further relief as to which entitled in the premises or such relief as the Court may deem necessary under the circumstances.

Respectfully submitted this the 7th day of July, 2021.

THOMAS J. BELLINDER
THOMAS J. BELLINDER, P.A.



___ /s/ Thomas J. Bellinder, Esq. _____
Thomas J. Bellinder (MSB # 103115)
BELLINDER LAW FIRM
Pinnacle at Jackson Place
190 E. Capitol Street, Suite 460
Jackson, MS 39201
Phone: (601) 487-9340
Fax: (601) 265-1795
Email: Thomas.Bellinder@BellinderLawFirm.com

VERIFICATION BY DECLARATION UNDER PENALTY OF PERJURY

I, Thomas J. Bellinder, hereby declare under penalty of perjury that I am counsel for the plaintiff in the above styled and numbered matter and that the factual matters set

forth in the above and foregoing Response are true and correct to the best of my information and belief.

Declared under penalty of perjury, this the 7th day of July, 2021.



Attorney for the Plaintiff

CERTIFICATE OF SERVICE

I, Thomas J. Bellinder, hereby certify that a true and correct copy of the foregoing has been filed with the clerk of court via the ECF system which should provide a copy to counsel of record for all parties who have appeared in this matter via electronic means.

This the 7th day of July, 2021.

BY: ___ /s/ Thomas J. Bellinder, Esq. _____